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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/559,469	04/26/00	KUDO	S 059040

QM12/1026

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EXAMINER

NGUYEN, B

ART UNIT	PAPER NUMBER
3713	5

DATE MAILED: 10/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Offic Action Summary</b>	Application No.	Applicant(s)
	09/559,469	KUDO, SHINICHI
	Examiner	Art Unit
	Binh-An D. Nguyen	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 August 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-9 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. The Amendment filed in Paper No. 4, August 9, 2001 have been received.

According to the Amendment, claims 1, 4, and 7-9 have been amended. Currently, claims 1-9 are pending in this application. Acknowledgment has been made.

2. The disclosure is objected to because of the following informalities:

On page 9, line 14, the periods “..” should be changed to “.”

Appropriate correction is required.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieder (5,769,718).

Rieder teaches a video game device and method comprising an image of a player character, images of non-player characters (antagonist characters), and background images; predetermining a plurality of operational modes which are assigned to player character (fighting mode, moving mode, etc.), and preparing an image corresponding to each operational mode; displaying an image of the player character corresponding to any one of plurality of operational modes and images of non-player

characters, simultaneously with any one of the background images (Fig. 6); the image of the player character is an image displaying the player character in a state where it is carrying a weapon; a moving mode representing a state wherein the character moves while carrying the weapon (Fig. 5). See Figures 4-8 and columns 2:11-5 and 5-8.

Regarding the limitations of restricting the switching of the background images from the start until completion of an operational mode; information relating to background images is determined on the basis of the video RAM capacity of the video device; the image of the player character is an image displaying the player character in a state where it is carrying a weapon; a fighting mode representing a state wherein the player character is able to fight using the weapon; and a moving mode representing a state wherein the character moves while carrying the weapon, these limitations are notoriously well known in the gaming industry, e.g., in Street Fighter a particular background (stage) is displayed while characters are fighting.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Rieder's video game device and method, using basic design principles of controlling images in video combat games, to come up with a better video game device and method which has a faster process for image generating.

5. Applicant's arguments filed in Paper No. 4 have been fully considered but they are not persuasive. Regarding applicants' argument (page 7, line 14 to page 8, line 9) that the limitation of "switching said background images from one to another in response to manipulation of an input device of the video device after completion of the

predetermined particular operational mode" is part of an overall process that also includes restricting the switching of the background images from the start until the completion of a predetermined particular operation, this limitation is very well known in martial art video game, as the stage (background) being changed after a fight is done and new fighting stage begins; further, the step of "restricting the switching of background images from start until the completion of a predetermined particular operation mode of plurality operational modes" is a design choice, thus any desired number of backgrounds to be switched can be preprogrammed.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

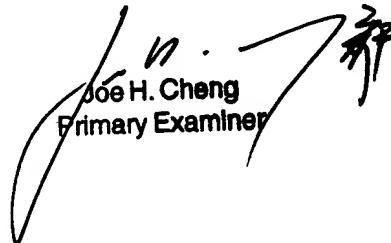
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D Nguyen whose telephone number is 703-305-5713. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3580 for regular communications and 703-308-7768 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

Binh-An D Nguyen  
Examiner  
Art Unit 3713

  
BN  
October 21, 2001

  
Joe H. Cheng  
Primary Examiner